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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,339	11/07/2003	Daniel Thomas Jones	1-24874	1978
4859	7590	08/08/2005	EXAMINER	
MACMILLAN SOBANSKI & TODD, LLC ONE MARITIME PLAZA FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604-1619			SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/692,339

**Applicant(s)**

JONES, DANIEL THOMAS

**Examiner**

Catherine Simone

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 9-14, 17 and 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 15, 16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/7/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-8, 15, 16 and 18-25, drawn to a molding material, classified in class 428, subclass 156.
  - II. Claims 9-14, 17 and 26-30, drawn to a method of manufacturing a molding material, classified in class 264, subclass 102.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed in Group I can be made by another and materially different process without the steps of the Group II process, i.e. providing means for piercing the resin material, piercing the resin layer and locating the reinforcement material in relation to the resin layer etc.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Richard MacMillan on 7/13/04 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-8, 15, 16 and 18-25. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 9-14, 17 and 26-30 stand withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 15, 16 and 18-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Rolston (US 4,238,437).

Regarding claims 1, 15, 16, 18 and 24, Rolston discloses a preform multi-layered molding material comprising a layer of a fibrous reinforcement material (Fig. 3, #48 and #50), and a layer of a reinforcement resin material (Fig. 3, #52), the inherent tack of the reinforcement resin layer holding the fibrous reinforcement material in place, the reinforcement material being at least partially dry with respect to the reinforcement resin (see col. 4, lines 29-33), wherein the reinforcement resin material comprises a first venting structure having venting channels (Fig. 3, #54) for conducting gases in directions parallel to the plane of the reinforcement layer and perpendicular thereto to allow gases to pass out of the molding material via the reinforcement layer during processing to prevent entrapment of gases (see col. 1, lines 60-65). Regarding claims 2 and 19, note a further venting structure for allowing gases to pass out of the molding material via the reinforcement layer during processing (Fig. 3, #54; also see col. 4, lines 29-33).

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Regarding claims 3 and 20, the further venting structure (Fig. 3, #54) is formed by the reinforcement material (Fig. 3, #50 and #48). Regarding claims 4 and 21, the venting channels vent interlaminar and/or intralaminar gases (see col. 1, lines 60-62). Regarding claim 5, the venting channels (Fig. 3, #54) are defined between lengthwise extending strips of reinforcement resin material (Fig. 3, #52; also see col. 4, lines 22-24). Regarding claims 6 and 22, the resin layer (Fig. 3, #52) is discontinuous, thereby forming the first venting structure (Fig. 3, #54). Regarding claims 7 and 25, the reinforcement material is unimpregnated by the resin material or is at least partially unimpregnated by the resin material to allow gases to pass out of the molding material (see col. 1, lines 50-65). Regarding claim 8, the reinforcement material comprises a unidirectional reinforcement material (Fig. 4, #48). Regarding claim 23, the reinforcement material (Fig. 3, #48 and #50) is conjoined to the surface of the resin material (Fig. 3, #52).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*CAS*

Catherine A. Simone  
Examiner  
Art Unit 1772  
August 3, 2005

*[Signature]*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

*8/5/05*